

Assembly Bill No. 1618

CHAPTER 596

An act to amend Section 13401 of, and to add Section 13405 to, the Business and Professions Code, relating to fuels, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 7, 2001. Filed with
Secretary of State October 9, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1618, Matthews. Engine fuels.

(1) Existing law defines, among other things, motor vehicle fuel, automotive spark-ignition engine fuel, and compression-ignition engine fuel for purposes of regulating the sale of petroleum products.

This bill additionally would provide a definition for "developmental engine fuel."

(2) Existing law also requires the Department of Food and Agriculture to establish specifications for gasoline or automotive spark-ignition engine fuels, sets requirements for gasoline methanol blends or gasoline-motor oil blends, and prohibits sales of those regulated petroleum products unless labeled, as specified.

This bill would authorize the department to grant a variance from these specifications for developmental engine fuels under prescribed conditions. The bill also would authorize the department to withdraw a variance if the applicant does not adhere to the prescribed conditions.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 13401 of the Business and Professions Code is amended to read:

13401. (a) "Sell" or any of its variants means attempt to sell, offer for sale or assist in the sale of, permit to be sold or offered for sale or delivery, offer for delivery, trade, barter, or expose for sale.

(b) "Manufacturer" means manufacturer, refiner, producer, or importer.

(c) "Petroleum products" means gasoline, diesel fuel, liquefied petroleum gas only when used as a motor fuel, kerosene, thinner, solvent, liquefied natural gas, pressure appliance fuel, or white gasoline, or any motor fuel, or any oil represented as engine lubricant, engine oil,

lubricating or motor oil, or any oil used to lubricate transmissions, gears, or axles.

(d) “Barrel,” when applied to petroleum products, consists of 42 gallons.

(e) “Oil” means motor oil, engine lubricant, engine oil, lubricating oil, or oils used to lubricate transmissions, gears, or axles.

(f) “Motor oil” means engine oil, engine lubricant, or lubricating oil.

(g) “Gasoline” means a volatile mixture of liquid hydrocarbons, generally containing small amounts of additives, suitable for use as a fuel in spark-ignition internal combustion engines.

(h) “Engine fuel” means any liquid or gaseous matter used for the generation of power in an internal combustion engine. “Motor fuel” means “engine fuel” when that term is used in this chapter.

(i) “Motor vehicle fuel” means any product intended for consumption in an internal combustion engine to produce the power to self-propel a vehicle designed for transporting persons or property on a public street or highway.

(j) “Diesel fuel” means any petroleum product offered for sale which meets the standards prescribed for diesel fuel by this chapter.

(k) “Kerosene” means any petroleum product offered for sale which meets the standards prescribed for kerosene by this chapter.

(l) “Fuel oil” means any petroleum product offered for sale which meets the standards prescribed for fuel oil by this chapter.

(m) “Automotive spark-ignition engine fuel” means any product used for the generation of power in a spark-ignition internal combustion engine.

(n) “Compression-ignition engine fuel” means any product used for the generation of power in a compression-ignition internal combustion engine.

(o) “Gasoline-oxygenate blend” means a fuel consisting primarily of gasoline along with a substantial amount of one or more oxygenates. For purposes of this section, “substantial amount” means more than 0.35 mass percent oxygen or, if methanol is the only oxygenate, more than 0.15 mass percent oxygen.

(p) “Oxygenate” means an oxygen-containing, ashless, organic compound such as an alcohol or ether, which can be used as a fuel or fuel supplement.

(q) “Developmental engine fuel” means any experimental automotive spark-ignition engine fuel or compression-ignition fuel which does not meet current standards established by this chapter but has characteristics which may lead to an improved fuel standard or the development of an alternative fuel standard.



SEC. 2. Section 13405 is added to the Business and Professions Code, to read:

13405. The Department of Food and Agriculture may grant a variance from the specifications of this chapter for developmental engine fuels if all of the following conditions apply:

(a) Variances may only be granted to provide for the development of information under controlled test conditions to assist in the creation of chemical and performance standards for engine fuels.

(b) Developmental engine fuel shall only be distributed or sold to fleet-type centrally fueled vehicle and equipment users.

(c) The applicant shall warn all parties in writing of any potential risk associated with the use of the developmental engine fuel.

(d) The applicant shall report information when and as the department may prescribe in order for the department to monitor the progress of the developmental engine fuel technology evaluation.

The applicant for a variance shall comply with all other requirements, terms, and conditions that are contained in regulations adopted by the department to further the purposes and administration of this section.

In granting a variance, the department expresses no opinion as to whether an applicant's developmental engine fuel will perform as represented by the applicant. Nor does the department express any opinion to the extent, if at all, that the developmental engine fuel may be safely and effectively used as a substitute for other spark-ignition or compression-ignition engine fuels without incident. Damages caused by the sale, delivery, storage, handling, and usage of the developmental engine fuel shall be addressed in accordance with contractual provisions negotiated and agreed upon by the applicant and the user.

The department may withdraw a variance if the applicant does not adhere to the conditions required to obtain the variance or if the department recognizes a high probability of equipment harm with the continued use of the developmental engine fuel or to protect public safety.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to permit the authorization involving developmental engine fuels granted to the Department of Food and Agriculture to take effect as soon as possible, it is necessary for this act to take effect immediately.

